

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 15 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 3-5-2-40.5 AS ADDED BY SEA 483-2005, IS
- 4 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:
- 5 Sec. 40.5. "Proof of identification" refers to a document that satisfies all
- 6 the following:
- 7 (1) The document shows the name of the individual to whom the
- 8 document was issued, and the name conforms to the name in the
- 9 individual's voter registration record. **For purposes of this**
- 10 **subdivision, a document conforms to the name in the**
- 11 **individual's voter registration record if the document shows**
- 12 **a common variation of the name shown in the individual's**
- 13 **voter registration record.**
- 14 (2) The document shows a photograph of the individual to whom
- 15 the document was issued.
- 16 (3) The document includes an expiration date, and the document:
- 17 (A) is not expired; or
- 18 (B) expired after the date of the most recent general election.
- 19 (4) The document was issued by **any of the following:**
- 20 (A) The United States. or
- 21 (B) The state of Indiana.
- 22 (C) **An approved institution of higher learning (as defined**
- 23 **in IC 20-12-21-3). The document described in this clause**
- 24 **must be accompanied by a valid driver's license:**
- 25 (i) issued by any state; and

(ii) that shows a photograph of the individual to whom the document was issued."

Page 11, between lines 18 and 19, begin a new paragraph and insert:
"SECTION 11. IC 3-11-10-1.2 AS ADDED BY SEA 483-2005, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:
Sec. 1.2. An absentee voter is not required to provide proof of identification when:

(1) mailing, delivering, or transmitting an absentee ballot under section 1 of this chapter; or

(2) voting before an absentee board under **section 25** of this chapter."

Page 15, between lines 1 and 2, begin a new paragraph and insert:
"SECTION 15. IC 3-11-10-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. (a) As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board:

(1) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or

(2) at a satellite office established under section 26.3 of this chapter.

(b) The voter must:

(1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; **and**

(2) **provide proof of identification;**

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) The voter may vote before the board not more than twenty-nine (29) days nor later than noon on the day before election day.

(d) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-nine (29) days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(g) This subsection applies after December 31, 2005. As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(i) If:

- (1) the voter is unable or declines to present the proof of identification; or**
- (2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;**

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

SECTION 16. IC 3-11.7-5-2, AS AMENDED BY SEA 483-2005, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Except as provided in section 5 of this chapter, if the county election board determines that all the following apply, a provisional ballot is valid and shall be counted under this chapter:

- (1) The affidavit executed by the provisional voter under IC 3-11.7-2-1 is properly executed.
- (2) The provisional voter is a qualified voter of the precinct and has provided proof of identification, if required, under IC 3-10-1, ~~or~~ IC 3-11-8, **or IC 3-11-10-26.**
- (3) Based on all the information available to the county election board, including:
 - (A) information provided by the provisional voter;
 - (B) information contained in the county's voter registration records; and
 - (C) information contained in the statewide voter registration file;

the provisional voter registered to vote at a registration agency under this article on a date within the registration period.

(b) If the provisional voter has provided information regarding the

1 registration agency where the provisional voter registered to vote, the
 2 board shall promptly make an inquiry to the agency regarding the
 3 alleged registration. The agency shall respond to the board not later
 4 than noon of the first Friday after the election, indicating whether the
 5 agency's records contain any information regarding the registration. If
 6 the agency does not respond to the board's inquiry, or if the agency
 7 responds that the agency has no record of the alleged registration, the
 8 board shall reject the provisional ballot. The board shall endorse the
 9 ballot with the word "Rejected" and document on the ballot the inquiry
 10 and response, if any, by the agency.

11 (c) Except as provided in section 5 of this chapter, a provisional
 12 ballot cast by a voter described in IC 3-11.7-2-1(b) is valid and shall be
 13 counted if the county election board determines under this article that
 14 the voter filed the documentation required under IC 3-7-33-4.5 and 42
 15 U.S.C. 15483 with the county voter registration office not later than the
 16 closing of the polls on election day.

17 SECTION 17. IC 3-11.7-5-2.5, AS ADDED BY SEA 483-2005, IS
 18 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:
 19 Sec. 2.5. (a) A voter who:

20 (1) was challenged under IC 3-10-1, ~~or~~ IC 3-11-8, **or**
 21 **IC 3-11-10-26** as a result of the voter's inability or declination to
 22 provide proof of identification; and

23 (2) cast a provisional ballot;

24 may personally appear before the circuit court clerk or the county
 25 election board not later than the deadline specified by section 1 of this
 26 chapter for the county election board to determine whether to count a
 27 provisional ballot.

28 (b) Except as provided in subsection (c) or (e), if the voter:

29 (1) provides proof of identification to the circuit court clerk or
 30 county election board; and

31 (2) executes an affidavit before the clerk or board, in the form
 32 prescribed by the commission, affirming under the penalties of
 33 perjury that the voter is the same individual who:

34 (A) personally appeared before the precinct election board; and

35 (B) cast the provisional ballot on election day;

36 the county election board shall find that the voter's provisional ballot is
 37 valid and direct that the provisional ballot be opened under section 4 of
 38 this chapter and processed in accordance with this chapter.

39 (c) If the voter executes an affidavit before the circuit court clerk or
 40 county election board, in the form prescribed by the commission,
 41 affirming under the penalties of perjury that:

42 (1) the voter is the same individual who:

43 (A) personally appeared before the precinct election board; and

44 (B) cast the provisional ballot on election day; and

45 (2) the voter:

46 (A) is:

47 (i) indigent; and

- 1 (ii) unable to obtain proof of identification without the
- 2 payment of a fee; or
- 3 (B) has a religious objection to being photographed;
- 4 the county election board shall determine whether the voter has been
- 5 challenged for any reason other than the voter's inability or declination
- 6 to present proof of identification to the precinct election board.
- 7 (d) If the county election board determines that the voter described
- 8 in subsection (c) has been challenged solely for the inability or
- 9 declination of the voter to provide proof of identification, the county
- 10 election board shall:
- 11 (1) find that the voter's provisional ballot is valid; and
- 12 (2) direct that the provisional ballot be:
- 13 (A) opened under section 4 of this chapter; and
- 14 (B) processed in accordance with this chapter.
- 15 (e) If the county election board determines that a voter described in
- 16 subsection (b) or (c) has been challenged for a cause other than the
- 17 voter's inability or declination to provide proof of identification, the
- 18 board shall:
- 19 (1) note on the envelope containing the provisional ballot that the
- 20 voter has complied with the proof of identification requirement;
- 21 and
- 22 (2) proceed to determine the validity of the remaining challenges
- 23 set forth in the challenge affidavit before ruling on the validity of
- 24 the voter's provisional ballot.
- 25 (f) If a voter described by subsection (a) fails by the deadline for
- 26 counting provisional ballots referenced in subsection (a) to:
- 27 (1) appear before the county election board; and
- 28 (2) execute an affidavit in the manner prescribed by subsection (b)
- 29 or (c);
- 30 the county election board shall find that the voter's provisional ballot is
- 31 invalid.
- 32 SECTION 18. IC 3-11.7-5-3, AS AMENDED BY SEA 483-2005,
- 33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 34 2005]: Sec. 3. (a) If the board determines that the affidavit executed by
- 35 the provisional voter has not been properly executed, that the
- 36 provisional voter is not a qualified voter of the precinct, that the voter
- 37 failed to provide proof of identification when required under IC 3-10-1,
- 38 ~~or~~ IC 3-11-8, **or IC 3-11-10-26**, or that the provisional voter did not
- 39 register to vote at a registration agency under this article on a date
- 40 within the registration period, the board shall make the following
- 41 findings:
- 42 (1) The provisional ballot is invalid.
- 43 (2) The provisional ballot may not be counted.
- 44 (3) The provisional ballot envelope containing the ballots cast by
- 45 the provisional voter may not be opened.
- 46 (b) If the county election board determines that a provisional ballot
- 47 is invalid, a notation shall be made on the provisional ballot envelope:

1 "Provisional ballot determined invalid".

2 Page 23, between lines 36 and 37, begin a new paragraph and insert:

3 "SECTION 42. IC 9-24-16-10 AS AMENDED BY SEA 483-2005
4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
5 2005]: Sec. 10. (a) The bureau may adopt rules under IC 4-22-2 and
6 prescribe all forms necessary to implement this chapter. However, the
7 bureau may not impose a fee for the issuance of:

8 (1) an original;

9 (2) a renewal of an; or

10 (3) a duplicate;

11 identification card to an individual described in subsection (b).

12 (b) An identification card must be issued without the payment of a
13 fee or charge to an individual who:

14 (1) does not have a valid Indiana driver's license; and

15 (2) will be at least eighteen (18) years of age at the next general,
16 municipal, or special election.

17 **(c) The bureau may not require an individual who requests**
18 **issuance of an identification card under subsection (b) to produce**
19 **a birth certificate to prove identity or age if the individual satisfies**
20 **both of the following:**

21 **(1) The individual produces a statement from the individual's**
22 **physician stating that the individual is at least sixty-five (65)**
23 **years of age.**

24 **(2) The individual has voted in the two (2) most recent general**
25 **elections in which the President of the United States is elected,**
26 **as documented by a statement of the county election board of**
27 **the county election board in which the individual resides."**

28 Renumber all SECTIONS consecutively.

(Reference is to ESB 15 as printed March 25, 2005.)

Representative Brown T